

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES  
SEPTEMBER 2, 2104**

Town of Andover  
36 Bartlet Street  
3rd Floor Conference Room  
7:45pm

**Conservation Members in Attendance:**

Chairman Donald Cooper, Commissioner Alix Driscoll, Commissioner Ellen Townson, Jon Honea, Commissioner Kevin Porter, Commissioner Floyd Greenwood and Commissioner Philip Sutherland. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

**SCHEDULED ITEMS:**

**8 Tiffany Lane**

***Staff Recommendation: Due to legal advertising issue Public Hearing could not be opened or heard.***

Public Hearing on a Request for Determination of Applicability filed by Tracey and Mark Waszkelewicz under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed repair of an existing septic system at **8 Tiffany Lane.**

**93 Reservation Road**

***Staff Recommendation: Due to legal advertising issue Public Hearing could not be opened or heard.***

Public Hearing on a Request for Determination of Applicability filed by Alan MacLaren under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a replacement existing septic system at **93 Reservation Road.**

**96 North Street**

***Staff Recommendation: Due to legal advertising issue Public Hearing could not be opened or heard.***

Public Hearing on a Request for Determination of Applicability filed by Brian Cronin under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a 25' x35' shed at **96 North Street.**

### **8 Cottage Road**

***Staff Recommendation:*** *Due to legal advertising issue Public Hearing could not be opened or heard.*

Public Hearing on a Request for an Order of Conditions filed by Janet Mitchell under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of a single family dwelling at **8 Cottage Road.**

### **307R Lowell Street**

**Present in Interest: Ronald Tiberi**

***Staff Recommendation:*** *Close Public Hearing and Issue Order of Conditions.*

Continued Public Hearing on a Notice of Intent filed by Lowell Street Investments, LLC under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed regrading and paving of 2000 square feet for compensatory parking at **307R Lowell Street.**

Mr. Douglas presented this to the Commission. This was continued from August 5, 2014 for purposes of a peer review by Janet Bernardo. The filing is to reclaim parking taken for the access to Rolling Green project. Janet Bernardo provided the Commission with 2 letters regarding the peer review. There were a number of items listed in Janet's letter, all of which have been completed or provided by the Applicant. Janet recommends the "Long Term Operation and Maintenance Plan" be recorded with the Order of Conditions.

Chairman Cooper asked for a Motion. Commissioner Porter made a Motion to Close the Public Hearing and issue the Order of Conditions to include recording of Long Term Operation and Maintenance Plan; it was seconded by Commissioner Driscoll and unanimously approved. Commissioner Honea abstained.

### **Marland Place Dam Removal**

***Staff Recommendation:*** *Due to legal advertising issue Public Hearing could not be opened or heard*

Public Hearing on a Notice of Intent filed by Thomas Ardito under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed removal of the Marland Place Dam at **15 Stevens Street.**

### **Balmoral Dam Removal**

***Staff Recommendation:*** *Due to legal advertising issue Public Hearing could not be opened or heard*

Public Hearing on a Notice of Intent filed by Thomas Ardito under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed removal of the Balmoral Place Dam at **11 Haverhill Street**.

**ACTION ITEMS:**

**289 River Road –Ferry Crossing Subdivision**

*Staff Recommendation: Insignificant.*

Request for Finding of Significance for the installation of the electric service.

Commissioner Porter made a Motion to find the change Insignificant to the Wetlands Protection Act and the Andover Wetlands Protection By-Law; it was seconded by Commissioner Townson and unanimously approved.

**7 Manning Way**

*Staff Recommendation: Approve.*

Request for cessation of reporting.

Commissioner Honea made a Motion to Approve; it was seconded by Commissioner Greenwood and unanimously approved.

**177 High Plain Road**

**Present in Interest: Tom Saunders and Jennifer DiFrancesco**

*Staff Recommendation: Insignificant.*

Request for Finding of Significance for changes which include the construction of a deck.

Commissioner Honea made a Motion to find the change Insignificant under the WPA; it was seconded by Commissioner Driscoll and unanimously approved.

**6 Prospect Road**

**Present in Interest: Doug Ahern**

*Staff Recommendation: Insignificant and Issue Certificate of Compliance.*

Request for Finding of Significance for changes which include the installation of a patio.

Commissioner Honea made a Motion to find the change Insignificant to WPA; it was seconded by Commissioner Sutherland and unanimously approved. Commissioner Sutherland made a Motion to issue the Certificate of Compliance; it was seconded by Commissioner Honea and unanimously approved.

## **12 Coventry Lane**

**Present in Interest: Ann Marton, Peter Nicosia and Nancy Reddish**

*Staff Recommendation: Insignificant.*

Request for Finding of Significance for changes which include the movement of the chain link fence outside the 25 foot no-disturb area and installation of non-disturbance set back medallions. Ann Marton informed the Commission that during the May 23, 2014 preconstruction meeting, she saw the work had been completed with was the result of an Enforcement Order. The Engineer provided an As-Built Plan. The Applicant has agreed to move the fence and 25 foot no-disturb markers to be installed by the fall to stabilize the site by winter. She recommends approving the insignificant change and approving the plan, with the Applicant adhering tgo the timeline.

Chairman Cooper recommended the Insignificant Change Letter and Plan be recorded to monument the change.

Commissioner Honea made a Motion to find the change Insignificant and the Letter of Insignificant Change and Plan to be recorded; it was seconded by Commissioner Driscoll and unanimously approved.

## **Pine Forest Park**

**Present in Interest: Ann Marton**

*Staff Recommendation: Approve with conditions.*

Request for Temporary Cessation of site inspections.

Staff recommends the following conditions:

1. Site visits for major storm events at the discretion of Ann Marton;
2. Special Condition No. 16 of the OOC be referenced for Lots 6,7,8,9,10, & 12
3. Development on the above lots to comply fully with the OOC;
4. Minimum of two week's notice be given to staff and Ann Marton for recommencement of work in jurisdictional areas.

Commissioner Driscoll made a Motion to Approve with conditions stated; it was seconded by Commissioner Townson and unanimously approved.

## **CONSENT AGENDA:**

### **Minutes**

Approval of minutes from August 19, 2014.

## **16 Brown Street**

Issuance of a Satisfactory Completion of Work Certificate.

Please table at Applicant's request.

Commissioner Porter made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Driscoll and unanimously approved.

### **LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:**

#### **Eagle Scout Project**

##### **Present in Interest: James Koulouris**

James presented his project, which included a handout, to the Commission. There has been dumping of yard waste and trash in between the circles of Sugarbush Lane for years at the entrance to Conservation Property. James will clear the grass clippings from the area and restore it. He will also add signage “No Dumping” and “Conservation Land” at the entrance. There are a few fallen trees which will be removed by a tree service. He also proposes plantings at the entrance of the trail to proven mowers from accessing the area. Chairman Cooper asked if boulder could be placed to block entrance from being accessed by motor vehicles. James agreed to explore this.

Commissioner Greenwood made a Motion to Approve the project; it was seconded by Commissioner Driscoll and unanimously approved.

#### **103 Haggetts Pond Road**

Vote to accept and sign Deed for land donation.

Commissioner Greenwood made a Motion to accept and sign the Deed for land donation; it was seconded by Commissioner Driscoll and unanimously approved.

#### **Dawn Circle**

Vote to accept Open Space associated with Dawn Circle and sign Deed.

Commissioner Driscoll made a Motion to Accept Open Space and sign Deed; it was seconded by Commissioner Greenwood.

#### **15 Geneva Road**

##### **Present in Interest: Ann Marton and Beth Arnold**

Update on Order of Conditions issued following an Enforcement Order for unauthorized work. Enforcement Order was issued for installation of a patio, which resulted in a Notice of Intent being filed and OOC issued. No work has commenced in a year, however the Applicant states that she has 3 years to complete the work per Condition No. 9. No funding for the site monitoring has been received to date and the Enforcement Order remains open.

This was continued to September 16, 2014 for staff to provide further information on the Enforcement Order issued.

#### **83 Porter Road**

##### **Present in Interest: Scott Follansbee**

Issuance of a Third Enforcement Order for unauthorized work within the buffer zone, including installation of an underground propane tank.

**Ellen Townson recused herself and left the meeting room.**

Site Monitor, Jeff Bridge, reported an underground propane tank was installed which was not on the approved Plan or in the OOC. He recommended the issuance of an Enforcement Order.

Commissioner Porter commented that the Applicant continues to perform work and get approval “after the fact”. No work should be done without prior Commission approval. Mr. Follansbee informed the Commission that the approved plan is not the construction plan. Chairman Cooper stated that the burden is on the Applicant to show all work to be done on the plan submitted for approval.

Commissioner Porter made a Motion to issue the Enforcement Order; it was seconded by Commissioner Driscoll and unanimously approved.

**Tennessee Gas Pipeline**

Chairman Cooper recused himself and left the meeting.

Bob Douglas provided an update of the meeting of Department Directors with Kinder Morgan. Five alternate routes were provided to Kinder Morgan at the meeting with a few being discarded for various reasons, but they seemed interested in a few others. Andover was the only Town to provide alternate routes. The FERK filing deadline is September 15, 2014. After that there will be five times the Town can provide comments.

Motion revision was tabled to September 8, 2014 by a Motion of Commissioner Driscoll; seconded by Commissioner Townson and unanimously approved.

**The next meeting will be held September 8, 2014 at 7:45pm.**

**The meeting was adjourned at 9:18 pm by Motion of Commissioner Driscoll and seconded by Commissioner Townson and unanimously approved.**

**Respectfully submitted by,**

**Lynn Viselli,  
Recording Secretary**